

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAVID GAYTAN,

Plaintiff,

vs.

No.: 2:19-CV-00778-SMV-KRS

STATE OF NEW MEXICO,  
STATE POLICE OFFICER A.J. ROMERO  
IN HIS OFFICIAL AND PERSONAL  
CAPACITIES,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO COMPEL  
SUPPLEMENTATION OF PLAINTIFF'S EXPERT DISCLOSURES**

**THIS MATTER** is before the Court on Defendants' Motion to Compel Supplementation of Plaintiff's Expert Disclosures, (Doc. 42), filed July 24, 2020. Defendants state they are filing the motion to preserve the issue in the event their Motion for Judgment on the Pleadings and for Qualified Immunity, (Doc. 40), and Motion to Stay Discovery, (Doc. 41), are not granted. (Doc. 42) at 1, n.1. In an Order entered concurrently with this Order, the Court stayed discovery in this case until the Motion for Judgment on the Pleadings is ruled on. Therefore, the Court will deny Defendants' Motion to Compel Supplementation of Plaintiff's Expert Disclosures with leave to refile if this case proceeds.

**IT IS THEREFORE ORDERED** that Defendants' Motion to Compel Supplementation of Plaintiff's Expert Disclosures, (Doc. 42), is DENIED WITHOUT PREJUDICE. Defendants may refile the motion after their Motion for Judgment on the Pleadings has been ruled on.

**IT IS SO ORDERED.**



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE